

CHAPTER 155: SUBDIVISIONS

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§ 155.01 GENERAL PROVISIONS.

(A) *Official subdivision ordinance.* The official Subdivision Ordinance regulates and governs the subdivision or platting of land in the City of Sauk Centre, Stearns County, Minnesota.

(B) *Regulations.*

(1) The City of Sauk Centre has adopted a Comprehensive Plan for the future physical development and improvement of the city pursuant to M.S. §§ 462.351 to 432.3535, as they may be amended from time to time, and finds it necessary to regulate the division of land for future development and use.

(2) The city finds that the public health, safety and general welfare require that the division of land into 2 or more parcels requires regulation to assure adequate space, light and air; to provide proper ingress and egress to property; to facilitate adequate provision for water, waste disposal, fire protection, open space, schools, public uses and adequate streets and highways; and to assure uniform monumenting, legal description and conveyance of subdivided land.

(3) The Minnesota Statutes authorize municipalities to so regulate the subdivision and platting of land pursuant to M.S. §§ 412.221 subdivision 32; and 462.358, as they may be amended from time to time.

(C) *Short title.* This chapter shall be known as the "Subdivision Ordinance of the City of Sauk Centre" and is referred to herein as "Subdivision Ordinance."

(D) *Purpose.*

(1) This chapter is adopted in order to safeguard the best interests of the city and to assist the developer in harmonizing the developer's interests with those of the city at large.

(2) Because each new subdivision becomes a permanent unit in the basic structure of the expanding community, and because piecemeal planning of subdivisions will bring on an undesirable, disconnected patchwork or pattern and poor circulation of traffic unless its design and arrangement is correlated to a comprehensive plan of the city aiming at a unified scheme of community interests, all subdivisions of land hereafter submitted for approval to the Planning Commission and the City Council shall, in all respects, fully comply with the regulations hereinafter set forth in this chapter.

(3) It is the purpose of this chapter to make certain regulations and requirements for the platting of land within the city to provide for health, safety and the general welfare and to:

(a) Provide for and guide the orderly, economic and safe development of land and urban services and facilities;

(b) Encourage well planned, efficient and attractive subdivisions by establishing adequate standards for design and construction;

(c) Facilitate adequate provisions for streets, transportation, water, sewer, storm drainage, schools, parks, playgrounds and other public services and facilities;

(d) Assure that a reasonable portion of any proposed subdivision is dedicated to the public or preserved for public use as streets; roads; sewers; electric, gas and water facilities; storm water drainage and holding areas or ponds; and similar utilities and improvements;

(e) Assure that public improvements are constructed to adequate standards;

(f) Place the cost of improvements against those benefitting from their construction;

(g) Secure the rights of the public with respect to public land and waters;

(h) Assure that new subdivisions are consistent with the Comprehensive Plan and overall development objectives of the city;

(I) Achieve a more secure tax base; and

(j) Set the minimum requirements necessary to protect the public health, safety and general welfare of the city.

(E) *Applicability.*

(1) Every division of land for the purpose of lease or sale into 2 or more lots, parcels or tracts within the incorporated area of the City of Sauk Centre or any combination of 2 or more lots shall proceed in compliance with this chapter.

(2) It is the purpose of this chapter to make certain regulations and requirements for the platting of land within the city pursuant to the authority contained in M.S. Ch. 412, 429, 471 and 505, as they may be amended from time to time, which regulations the City Council deems necessary for the health, safety, general welfare, convenience and good order of this community.

(F) *Exceptions.* The provisions of this chapter shall not apply to:

(1) A cemetery or burial plot while used for that purpose;

(2) Any division of land made by testamentary provision, the laws of descent or upon court order;

(3) A parcel which was the subject of a written agreement to convey (such as a purchase agreement), entered into prior to the effective date of this chapter;

(4) Land which the Planning Commission or the Council finds to be unsuitable for land subdivision due to flooding, inadequate drainage, steep slopes, rock formations or other features likely to be harmful to the safety and general health of future residents, or land which could not be adequately served by utilities or other public facilities or public access; that land shall not be subdivided unless adequate methods are provided for overcoming the conditions; or the land is platted as outlots;

(5) In the case of re-subdivision, this chapter shall not apply to any lot or lots forming a part of a subdivision previously recorded with the County Recorder's office prior to the effective date of this chapter, unless the area is being re-platted;

(6) This chapter shall not repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by or in conflict with this chapter;

(7) This chapter shall not interfere with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the city is a party;

(8) Where this chapter imposes a greater restriction upon land than is imposed or required by existing provisions of the law, ordinance, contract or deed, the provisions of this chapter shall control. The owner shall enforce covenants to the best of their ability; the city shall assume no responsibility for the enforcement thereof. Any restrictive covenant shall not conflict or invalidate city ordinances; or

(9) Divisions of land where the division is to permit the adding of a parcel of land to an abutting lot or to create 2 lots and the newly created property line will not cause the land or any structure to be in violation of this chapter or the Zoning Ordinance, provided the regulations of § 155.06 are followed.

(G) *Jurisdiction.* These regulations governing plats and the subdivision of land shall apply to the area within the corporate limits of the City of Sauk Centre.

(H) *Compliance.*

(1) After the adoption of this chapter, no lot in a subdivision shall be sold, no permit shall be issued to alter or erect any building upon land in a subdivision and no building shall be erected in a subdivision unless a subdivision plat has been prepared, approved and acknowledged in the manner prescribed by this chapter; and recorded in the appropriate County Recorder's office; and until the improvements required by the City Council relative to subdivision have been constructed or arranged for, as provided herein.

(2) Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of this division shall forfeit and pay to the municipality a penalty of not less than \$100 for each lot or parcel so conveyed. A municipality may enjoin the conveyance or may recover the penalty by a civil action in any court of competent jurisdiction (MSA 462.358, MSA 505.08, Subd. 3).

(I) *Required approvals of subdivision plats.* Before any plat shall have validity, it shall have been reviewed by the City of Sauk Centre Planning Commission, approved by the City Council and recorded in the Stearns County Recorder's office.

(J) *Conflict.*

(1) *Public provisions.* It is not intended by this chapter to annul or interfere with any official regulations or ordinances of the city provided, however, when there is a difference between minimum standards or dimensions herein and those contained in other official regulations or ordinances of the city, the highest standards shall apply, and the city shall make the determination of which standards are higher.

(2) *Private provisions.*

(a) These regulations are not intended to annul any easement, covenant or any other private agreement or restriction.

(b) Where the provisions of these regulations are more restrictive or impose higher standards or regulations, the requirements of these regulations shall govern.

(c) Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or impose higher standards than the requirements of these regulations, then the private provisions shall be operative and supplemental to these regulations. (Ord. 616, passed 11-21-2001)

§ 155.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESS WAY. A public or private right-of-way across a block or within a block to provide non-vehicular access, to be used by the general public.

ALLEY. A public right-of-way, other than a street, which is typically 12 feet in width and provides a secondary means of access to abutting property.

APPLICANT. The owner of land proposed to be subdivided or the owner's representation. Consent shall be required from the legal owner of the premises.

ARTERIAL STREET. A street which provides for the movement of heavy traffic on relatively long trips. It has a secondary function of providing access to abutting land.

BEST MANAGEMENT PRACTICES (BMPs). Best management practices as described in current Minnesota Pollution Control Agency's manual and other sources as approved by the city and county.

BLOCK. An area of land within a subdivision that is entirely bounded by:

- (1) Streets;
- (2) A combination of streets and cemeteries, railroad rights-of-way and the exterior boundary or boundaries of the subdivision; or
- (3) A combination of the above with a river, lake or park.

BOULEVARD. A portion of the street right-of-way between the curb line or improved street and the property line.

BUILDING. Any structure built for the support, shelter or enclosure of any use or occupancy.

BUILDING SETBACK LINE. A line parallel to the street right-of-way line, and ordinary high water level, if applicable, at its closest point to any story level of a building and representing the minimum distance which all or part of the building is set back from the right-of-way line, or ordinary high water level.

CALIPER. The diameter of replacement or new trees measured at a height of 2 feet above the ground level.

CERTIFICATE OF SURVEY. A land survey prepared by a land surveyor registered in the State of Minnesota with a certification that the information on the land survey is accurate.

CITY. The City of Sauk Centre.

CITY ENGINEER. The person or persons, individual or corporate, designated from time to time by the City Council.

CLUSTER DEVELOPMENT. The development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land, while providing a unified network of open space and aesthetically pleasing areas and meeting the overall density regulations of this chapter and the Zoning Ordinance.

COMMON INTEREST COMMUNITY. A contiguous or noncontiguous real estate within Minnesota that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for:

- (1) Real estate taxes levied against;
- (2) Insurance premiums payable with respect to;
- (3) Maintenance of; or
- (4) Construction, maintenance, repair or replacement of improvements located on 1 or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies (MSA 515B.1-103).

COLLECTOR STREET. A street which collects and distributes traffic within an urban area such as a residential neighborhood or industrial district, between arterial and local streets. It provides access to abutting lands.

COMPREHENSIVE PLAN. The City of Sauk Centre Comprehensive Plan.

CONCEPT PLAN. A sketch drawing or map which depicts a proposed subdivision by showing proposed lots, streets, uses, relationship to surrounding area, generalized natural features, easements and any requested zoning change and other information required by this chapter for review by the city.

CONDITIONAL APPROVAL. An affirmative action by the city indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.

CONVEYANCE. The sale, trading, donation or offer of sale or other transfer of land.

CROSSWAY OR PEDESTRIAN WAY. A publicly owned right-of-way which crosses a block and furnishes pedestrian access to adjacent streets or properties.

CUL-DE-SAC. A local street having 1 end open to traffic and the other end being permanently terminated by a vehicular turn around.

DESIGN STANDARDS. The specifications to landowners or developers for the preparation of preliminary plans indicating, among other things, the optimum, minimum or maximum dimensions of features such as rights-of-way, blocks, utilities and the like as set forth in § 155.04 below.

DEVELOPER. Any individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity submitting an application for the purpose of land subdivision as defined herein. The **DEVELOPER** may be the owner or authorized agent of the owner of the land to be subdivided.

DRAINAGE COURSE. A watercourse or surface area for the drainage or conveyance of surface water, including channel, creek, ditch, drain, river and stream.

EASEMENT. The right to use the land of another owner for a specified use. An easement may be granted for the purpose of constructing and maintaining drives, roadways, walkways, bicycle trails, utilities, including, but not limited to wetlands, ponding areas, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways, gas lines, pipelines and cable television lines.

ESCROW. The deposition of funds in an account maintained by the city for the purpose of ensuring fulfillment of certain obligations pursuant to this chapter.

FINAL APPROVAL. Approval of the final plat by the City Council, as indicated by certification of the plat by the mayor of the city, constitutes authorization to record a plat.

FINAL PLAT. The final map, drawing or chart, prepared in accordance with MSA Ch. 505, on which the developer's plan of subdivision is presented to the Planning Commission and City Council for approval and which, if approved and properly executed, will be submitted to Stearns County for recording in public records.

FLOOD PLAIN RELATED:

FLOOD. A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

FLOOD FRINGE. That portion of the flood plain outside of the floodway. **FLOOD FRINGE** is synonymous with the term **FLOODWAY FRINGE**.

FLOOD PLAIN. The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by regional flood.

FLOODWAY. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

REGIONAL FLOOD. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. **REGIONAL FLOOD** is synonymous with the term **BASE FLOOD**.

REGULATORY FLOOD PROTECTION ELEVATION. The regulatory flood protection elevation shall be an elevation no lower than 1 foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

GRADE.

- (1) The slope of a road, street or other public way, specified in percentage terms.
- (2) The rise or fall of a street in feet and tenths of a foot for each 100 feet of horizontal distance measured at the centerline of the street.

HALF-STREET. A street having only ½ of its intended roadway width developed to accommodate traffic.

HYDRIC SOIL. For the purposes of this chapter, hydric soils shall include:

- (1) Hydric soils as shown on the Stearns County Geographic Information System (GIS);
- (2) Land inside the 100-year flood plain area, as determined by the county, using 2-foot contour surveys of relevant areas; or
- (3) A field delineation of the hydric soils by a registered soil scientist following the criteria found in the United States Army Corps of Engineers Wetland Delineation Manual (1987 Manual) or the Natural Resource Conservation Service publication Field Indicators of Hydric Soils in the United States.

IMPROVEMENTS. Pavement, curbs, gutters, sidewalks, sewer and water facilities, drainage facilities, street signs, street lighting, plantings and other items for the welfare of property owners and/or the general public.

LAND DISTURBANCE. Any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry or any other change in the natural character of the land occurs as a result of the site preparation, grading, building construction or other construction activity.

LOCAL STREET. A street designed for short trips and to provide access to abutting properties and to collector streets.

LOT. A tract, plot or portions of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

LOT, AREA. That area located within the lot lines and not including any portion of the platted lot which is presently being used as or dedicated for street or public right-of-way.

LOT, CORNER.

(1) A lot situated at the junction of and abutting on 2 or more intersecting streets.

(2) On a **CORNER LOT**, both streets shall be deemed front lines for the application of this chapter.

LOT, DEPTH. The horizontal distance between the street right-of-way line and the opposite rear line of a lot measured in the general direction of the side lot lines.

LOT, DOUBLE FRONTAGE. An interior lot having frontage on 2 parallel or approximately parallel streets.

LOT LINE. The property line bounding a lot, except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way wherein the lot line shall be the public right-of-way line.

LOT LINE, FRONT. That boundary of a lot which abuts an existing or dedicated public street; and, in the case of a corner lot, it shall be the shortest dimension on a public street, except that a corner lot in a non-residential zone shall be deemed to have frontage on both streets.

LOT LINE, REAR.

(1) That boundary of a lot which is opposite the front lot line.

(2) If the **REAR LOT LINE** is less than 10 feet in length or if the lot forms a point in the rear, the **REAR LOT LINE** shall be a line 10 feet in length within the lot, parallel to the front lot line.

LOT LINE, SIDE. Any boundary of a lot that is not a front lot line or a rear lot line.

LOT OF RECORD. A parcel of land, whether subdivided or otherwise legally described, as of the effective date of this chapter, or approved by the city as a lot subsequent to that date, and which is occupied by or intended for occupancy by 1 principal use, together with any accessory buildings or open spaces as are required by this chapter and having its principal frontage on a street, or a proposed street approved by the Council.

LOT, WIDTH.

(1) The horizontal distance between the side lots lines of a lot measured at the building setback line, location of the principal building and, if applicable, ordinary high water level.

(2) For corner lots, **LOT WIDTH** shall be determined by measuring the horizontal distance between a side lot line and the applicable opposite front lot line.

MAY. Permissive.

METES AND BOUNDS DESCRIPTION. A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by describing lines or portions thereof.

MINOR SUBDIVISION. The division of a single parcel, lot or tract, into 2 separate parcels, lots or tracts.

NATURAL WATERWAY. A natural passageway on the surface of the earth so situated and having a topographical nature so that surface or percolating water flows through it from other areas before reaching a final ponding area.

OFFICIAL MAP. The map adopted by the City Council showing the streets, highways, blocks and lots theretofore laid out and adopted by the City Council resulting from the approval of subdivision plats and the subsequent filing of approved plats.

ORDINARY HIGH WATER LEVEL.

(1) The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

(2) For watercourses, the **ORDINARY HIGH WATER LEVEL** is the elevation of the top of the bank of the channel.

(3) For reservoirs and flowage, the **ORDINARY HIGH WATER LEVEL** is the operating elevation of the normal summer pool.

OUTLOT.

(1) A parcel of land shown on a subdivision plat as an outlot, and designated alphanumerically, for example: Outlot A.

(2) ***OUTLOTS*** are used to designate 1 of the following:

(a) Land that is part of the subdivision but is to be subdivided into lots and blocks at a later date;

(b) Land that is to be used for a specific purpose as designated in a developer's agreement or other agreement between the city and the developer; or

(c) For a public purpose and for which no building permit shall be issued.

OWNER. Any individual, firm, association, syndicate, co-partnership, corporations, trust, limited liability corporation or any other legal entity having sufficient proprietary interest in the land sought to be subdivided.

PARKS, PLAYGROUNDS and PUBLIC OPEN SPACE. Public lands and local open spaces in the city dedicated and owned by the city to be reserved for recreation or conservation purposes.

PEDESTRIAN WAY.

(1) A public or private right-of-way across a block or within a block to provide access to be used by pedestrians and others, which also may be used for the installation of utility lines.

(2) ***PEDESTRIAN WAYS*** include sidewalks and trails for non-motorized and pedestrian traffic.

PERCENTAGE OF GRADE ON STREET CENTERLINE. See ***GRADE.***

PERSON. Any individual, firm association, syndicate or partnership, corporation, trust or any other legal entity.

PLANNING COMMISSION. The Planning Commission of the City of Sauk Centre.

PLANNED UNIT DEVELOPMENT. A tract of land planned and developed to encourage a more creative and efficient development of land, while at the same time meeting the standards and purposes of the Comprehensive Plan for preserving the health, safety and welfare of Sauk Centre, to allow for a mixture of residential units or residential and commercial units in an integrated and well-planned area and to ensure the concentration of open space into more usable areas and preservation of natural resources of the site including wetlands, steep slopes, vegetation and scenic areas.

PLAT. A map or drawing indicating the subdivision or re-subdivision of land intended to be filed for record.

PRELIMINARY APPROVAL. Approval of the preliminary plat by the city which constitutes authorization to proceed with final engineering plans and final plat preparation, taking into consideration any conditions for approval.

PRELIMINARY PLAT. The preliminary map, drawing or chart indicating the proposed layout of the subdivisions to be submitted to the Planning Commission and Council for their consideration, including required data.

PROTECTIVE COVENANTS.

(1) Contracts made between private parties and filed with the Office of the County Recorder as to the manner in which land may be used, with a view to protecting and preserving the physical, social and economic integrity of any given area.

(2) The city will not be responsible for enforcement of **PROTECTIVE COVENANTS**.

PUBLIC IMPROVEMENT. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the city may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

PUBLICATION. An official notice as prescribed by Minnesota Statutes.

RIGHT-OF-WAY.

(1) Property dedicated to public use and is intended to be occupied or which is occupied by a street, alley, trail, utility lines, oil or gas pipeline, railroad lines, storm sewer or other similar use.

(2) The usage of the term **RIGHT-OF-WAY** for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining the right-of-way and not included within the dimensions or areas of the lots or parcels.

(3) **RIGHT-OF-WAY** intended for streets, water main, sanitary sewers, storm drains or other use involving maintenance by the city of Public Utilities Commission shall be dedicated to public use by the recording of the plat on which the right-of-way is established.

SETBACK. The distance between a building and the relevant property line nearest thereto.

SHALL. Mandatory.

SHORELAND. Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond or flowage and 300 feet from any river or stream or the

landward extent of the flood plain designated in the Sauk Centre Zoning Ordinance on a river or stream, whichever is greater. The limits of the *SHORELANDS* may be reduced whenever the waters involved are bounded by topographical divides, which extend landward from the waters for lesser distances and when approved by the Commissioner of Natural Resources.

STREET. A right-of-way which affords primary access by pedestrians and vehicles to abutting properties or carries traffic from one part of the city to another, whether designated as a street, avenue, highway, road, boulevard, lane or however otherwise designated.

STREET, ARTERIAL. Those streets primarily intended to carry larger volumes of traffic from one part of the city to another and are intended to provide for collection and distribution of traffic between highways and collector streets; hence direct access to property is not intended and regulation is critical.

STREET, COLLECTOR.

(1) A street that carries traffic from local streets to arterial streets and highways.

(2) ***COLLECTOR STREETS*** primarily provide principal access to residential neighborhoods, including, the principal entrance streets of a residential development and principal streets for circulation within the development and to a lesser degree direct land access.

STREET, CUL-DE-SAC. A local street with only 1 outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

STREET, DEAD END. A street, or a portion thereof, with only 1 vehicular traffic outlet.

STREET, HALF. A street having only ½ of its intended roadway width developed to accommodate traffic.

STREET, LOCAL STREET. Those streets which are used primarily for access to abutting properties and for local traffic movement.

STREET, PAVEMENT. The wearing surface of a street.

STREET, PRIVATE. A street serving as vehicular access to 2 or more parcels of land which is not dedicated to the public and is owned and maintained by 1 or more private parties

STREET, SERVICE. A marginal access street which is generally parallel land adjacent to a major street.

STREET WIDTH. The shortest distance between the lines of lots delineating the right-of-way of a street.

SUBDIVIDE. The creation of a subdivision, lot, parcel or tract of land by dividing a lot, parcel or tract into 2 or more parcels, or resulting from court order, or the adjustment of a lot line by the relocation of a common boundary.

SUBDIVIDER. Any individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this title.

SUBDIVISION. A described tract of land which is to be or has been divided into 2 or more lots, outlots or parcels for the purpose of transfer of ownership, or building development, or if a new street is involved, any division of land. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

SURVEYOR. An individual, group, corporation, association or other entity duly licensed as a land surveyor by the State of Minnesota.

TANGENT. A straight line that is perpendicular to the radius of a curve at a point on the curve.

TRACT. A defined area of land, similar to a lot or parcel, that is occupied or will be occupied by a building and its accessory buildings, together with open spaces as are required under the provisions of the current city zoning regulations, having not less than the minimum area required by the zoning regulations for a building site in the district in which the lot is situated and having its principal frontage on a street.

TWO-FAMILY DWELLING. A dwelling designed exclusively for occupancy by 2 families living independently of each other.

UNIT LOTS. Lots created from the subdivision of a 2-family dwelling or quadraminium having different minimum lot size requirements than the conventional base lot within the zoning district.

USED FOR. Shall include the phrases **ARRANGED FOR**, **DESIGNED FOR**, **INTENDED FOR**, **MAINTAINED FOR** and **OCCUPIED FOR**.

UTILITIES. Public or private systems for the distribution or collection of water; gas; sewer (wastewater); storm water; electricity including all transformers, streetlights, telephone; and cable television service and the like.

VARIANCE. A relaxation of the terms of this chapter where deviation will not be contrary to the spirit and intent of the Comprehensive Plan and this chapter, the public interest and where owing to physical conditions unique to the individual property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship.

VERTICAL CURVE. The surface curvature on a street centerline located between lines of different percentage of grades.

ZONING DISTRICT. An area as described by the official zoning ordinance of the City of Sauk Centre.

ZONING ORDINANCE. The Zoning Ordinance controlling the use of land within the city, as adopted by the City of Sauk Centre, including the official city zoning map. (Ord. 616, passed 11-21-2001)

§ 155.03 PROCEDURES FOR FILING.

(A) *Concept plan.* In order to ensure that all applicants are informed of the procedural requirements and minimum standards of this chapter and the requirements or limitations imposed by other city ordinances or plans, prior to the development of a preliminary plat, all applicants shall present a concept plan to the Zoning Administrator prior to filing a preliminary plat.

(1) *Contents of plans.* Developers shall prepare, for review with the city, subdivision concept plans which shall contain the following information: tract boundaries, north point, streets on and adjacent to the tract, significant topographical and physical features, proposed general street layout, proposed general lot layout, relationship of proposed subdivision to existing community facilities, to neighboring subdivisions and developments and any zoning changes.

(2) *Informal consideration.*

(a) Concept plans will be considered as submitted for informal and confidential discussion between the developer and the city.

(b) Submission of a concept plan shall not constitute formal filing of a plat with the city.

(c) The city shall arrange a pre-application meeting with the developer, the City Engineer, Public Utilities Staff, City Planner and other departments are deemed necessary in order to provide the developer with input on the proposed concept plan.

(d) The Planning Commission and City Council may also review the concept plan and provide advice.

(e) Any advice, comments or recommendations for modifications made by the city or the Planning Commission are advisory only and shall not constitute approval or a commitment to approve.

(3) *Modifications.* As far as may be practical on the basis of a concept plan, the city will informally advise the developer as promptly as possible of the extent to which the proposed subdivision conforms to the design standards of this chapter and will discuss possible plan modifications necessary to secure conformance.

(B) *Build out plan (ghost plat).*

(1) *Applications required.* A build out plan (ghost plat) shall be required for the following subdivision applications:

(a) Whenever a parcel of land is subdivided and the subdivision plat shows 1 or more lots or outlots that may eventually be subdivided into smaller lots;

(b) Whenever a developer or property owner is platting only a portion of the property in which they have title to or a legal interest in and the balance of the unplatted property is adjacent to the subject property, a build out plan of the entire area shall be submitted; and

(c) Cluster subdivisions or open space design subdivisions that preserve open space for future development.

(2) *Design requirements.* The build out plan (ghost plat) shall illustrate the following:

(a) Lot design consistent with the long term planning for the area (Comprehensive Plan);

(b) The layout of future streets. Local streets shall be planned to provide street connections to adjoining parcels, neighborhoods or future development open spaces as a means of discouraging the reliance on county and state roads for local trips;

(c) Easement locations for utilities and storm water drainage;

(d) Locations of building pads on the lots to accommodate future subdivision; and

(e) The build out plan may be required to provide information demonstrating how public utilities may be extended to the subdivision to accommodate future urban development.

(C) *Data required for preliminary plat.* Any owner or his or her agent, trustee or attorney-in-fact (hereinafter called the "developer") desiring to subdivide a piece of land in the city shall submit to the Zoning Administrator 10 large copies of preliminary drawings or prints and one 11-inch by 17-inch reproducible copy, application fee as identified in the city fee schedule and written documents containing the following information:

(1) Identification and description:

(a) The name of the proposed subdivision. The subdivision name shall not duplicate or nearly duplicate the name of any other subdivision in the county, unless the proposed subdivision is an addition to an existing subdivision. The developer shall not change the name of the plat once it has been submitted to the city and its respective agencies and departments for review, unless the city or county determine the proposed plat name is too similar to an existing subdivision name within the county;

(b) The legal description of the land contained within the subdivision including the total acreage of the proposed subdivision;

(c) The names, addresses and telephone numbers of all persons, firms and corporations holding interests in the land;

(d) An indication as to which lands are registered torrens property or abstract property. If land is registered property, a registered land survey shall be required;

(e) The name, address, telephone number and professional license number and seal of the registered land surveyor who made, or under whose supervision was made, the survey of the proposed subdivision;

(f) The date of the survey and revision dates for all subsequent submissions;

(g) North arrow;

(h) A graphic bar scale or plat, not less than 1 inch equal to 200 feet and north arrow;

(i) Existing and proposed covenants, liens or encumbrances;

(j) Elevation benchmarks used for the topographic survey and datum on which they are based;

(k) Reference to the coordinate system use for the survey; and

(l) Results of site evaluation, including percolation tests and soil borings.

(2) Existing conditions:

(a) A vicinity map, at least 4 inches by 4 inches in size on the full size plans, to the Planning Commission showing the relationship of the proposed subdivision to adjacent properties, roads, rights-of-way, and other property and subdivision within 350 of the proposed subdivision, and the relation of the plat to the surrounding zoning districts;

(b) Boundary lines;

(c) Current zoning of land within the proposed subdivision;

(d) All existing survey monuments that have been found;

(e) The location, names and widths of all existing streets, roads and easements within the proposed subdivision and adjacent thereto;

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(f) The approximate boundaries of all areas subject to inundation or storm water overflow, and the location, width and direction of flow of all watercourses;

(g) The approximate location of tree cover and general identification thereof;

(h) The location and, where ascertainable, sizes of all existing structures, wells, overhead and underground utilities, railroad lines, municipal boundaries, section lines, township lines and other important features existing upon, over or under the land proposed to be subdivided;

(I) The location of soil test holes, together with data regarding soil bearing qualities and the like, attesting to the suitability of soils for the specific uses proposed in the subdivision;

(j) Contours existing and proposed, at 2-foot intervals for a 0 to 5% slope: 5-foot intervals for slopes exceeding 5% up to 30%: 10-foot intervals for slopes in excess of 30%; and spot elevations to determine the general slope of the land, and high and low points thereof. U.S.G.S. data shall be used for all topographical mapping where feasible;

(k) Areas in the plat which have been designated as shoreland, wetlands and/or flood plains by the Department of Natural Resources, including the high water mark of all wetlands; and

(l) A delineation of hydric soils within the subdivision. Acreage calculation for buildable land for lots (non-hydric land, non flood plain land and area above the ordinary high water level (OHWL) of lakes, rivers and wetlands, determined using 1 of the following methods:

1. Non-hydric soils as shown on the Stearns County Geographic Information System (GIS);

2. Land outside the 100-year flood plain area, as approved by the Watershed District, using 2-foot contour surveys of relevant areas; or

3. A field delineation of the hydric soils by a registered soil scientist following criteria found in the *United States Army Corps of Engineers Wetland Delineation Manual* (1987 Manual) or the *Natural Resource Conservation Service Publication Field Indicators of Hydric Soils in the United States*.

(3) Proposed conditions:

(a) The boundaries of all blocks and lots within the proposed subdivision, together with the numbers and letters proposed to be assigned each lot and block;

(b) The total number of proposed lots, their minimum, maximum and average size in square footage;

(c) The layout of proposed streets showing rights-of-way widths, centerline grades of streets, highways, alleys, easements, sidewalks and pedestrian ways within and adjacent to the proposed subdivision and their combined square footage;

(d) Proposed street names. Proposed streets obviously in alignment with existing and named streets shall bear the names of the existing streets. In no case shall the name of the proposed street duplicate existing street names, including phonetic similarities;

(e) The location of any improvements which may be required to be constructed beyond the boundaries of the subdivision shall be shown on the preliminary map or on the vicinity map, as appropriate;

(f) Where the developer owns property adjacent to that which is being proposed for subdivision, it shall be required that the developer submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be required to relate well with existing or potential adjacent subdivisions;

(g) Minimum front, side and rear setback lines on each lot. When lots are on a curve, the width of the lot at the building setback line shall be shown;

(h) The location, size and proposed improvements for proposed parks, playgrounds and public open spaces; churches or school sites or other special uses of land to be considered for dedication to public use or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions of the dedication or reservation;

(I) Proposed right-of-way widths of alleys, if any, pedestrian ways, trails drainage easements and utility easements;

(j) Preliminary utility plan including the proposed sizes and locations of water, sanitary sewer and storm water;

(k) Existing and proposed storm water drainage system including drainage easements; the approximate boundaries of all areas subject to inundation or storm water overflow, and the location, width and direction of flow of all watercourses; and provisions for surface water disposal, ponding, drainage and flood control;

(l) Preliminary grading, drainage and soil erosion/sediment control plan including proposed temporary and permanent erosion control measures;

(m) Landscape plan;

(n) Proposed building pad elevations on each lot; and

(o) Other information as deemed necessary by the Planning Commission or City Council.

(4) Supplemental information: Any or all of the supplementary information requirements set forth in this division shall be submitted when deemed necessary by the city staff, consultants, advisory bodies and/or the City Council.

(a) If zoning changes are contemplated, the proposed zoning plan for the area shall be shown. The proposed zoning plan shall be for information only and shall not vest any rights in the applicant.

(b) Statement of adequacy of existing or proposed utilities to accommodate or serve the proposed development.

(c) Estimated costs of proposed required improvements.

(d) Common interest communities such as condominiums, planned unit developments or cooperatives shall comply with M.S. §§ 515B.1 to 515B.4-118 as it may be amended from time to time.

(D) *Preliminary plat procedure.*

(1) *Procedure for submittal.* Pursuant to M.S. § 15.99, as may be amended, an application for a preliminary plat shall be approved or denied by the City Council within 120 days from the date of its official and complete submission including the submission of all applicable fees, unless notice of extension is provided by the city or a time waiver is granted by the applicant.

(a) *Filing.* Ten full size copies and 1 reproducible 11-inch by 17-inch copy of the preliminary plat prepared by a registered land surveyor shall be filed with the Zoning Administrator at least 20 days prior to the regular Planning Commission meeting, at which time the plat is to be considered by the Commission, together with the filing fee and a list compiled by a certified abstractor showing all property owners within 350 feet of the outer boundary of the proposed subdivision.

(b) *Variances.* Any necessary applications for variances from the provisions of this or other applicable code provisions shall be filed with the Planning and Zoning Departments following the process outlined in the Zoning Ordinance before the preliminary plat will be considered complete and officially filed.

(c) *Financial requests.* Requests for city participation in the funding of the development (i.e. assessment projects) shall be filed with the City Administrator before the preliminary plat will be considered complete and officially filed.

(d) *Filing fee.* The filing fee shall be as set by the City Council, to be used for the expenses of the city in connection with the approval or disapproval of the plans.

(e) *Rezoning.* If the property must be rezoned for the intended use, an application for rezoning, pursuant to the procedure in the Zoning Ordinance, shall be filed prior to or with the preliminary plat.

(f) *Other.* At the time of preliminary plat submittal, the Zoning Administrator shall forward a copy of the plat to the Park Board. The Park Board shall review the proposed preliminary plat and forward their recommendation to the Planning Commission regarding the appropriate park dedication or fee in-lieu of. The developer shall be required to pay the dedication prior to the filing of the final plat.

(2) *Action by the Zoning Administrator:*

(a) Prior to the meeting of the Planning Commission at which the preliminary plat is to be considered, the Zoning Administrator and other appropriate departments shall examine the plat for compliance with this and other ordinances of the city, and shall submit a written report to the Commission.

(b) The Zoning Administrator on behalf of the Planning Commission shall set a date for a public hearing. Notice of the hearing shall be posted and published within the city's official newspaper as provided by state law at least 10 days prior to the date of the hearing. The notice shall also be mailed not less than 10 days to:

1. All property owners of record, as provided by the developer and certified by the abstractor, within 350 feet of the property. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this division has been made;
2. The City Engineer;
3. The Commissioner of the Minnesota Department of Transportation if the proposed plat abuts 1-94, a state highway or a county state aid highway and/or the Stearns County Engineer, if the proposed plat abuts or includes a CSAH or county road. (This includes but is not limited to 94, 71, 70, 17, 11, 27, 79, 72, 184, 186, 52, 302 and 28);
4. The local gas, telephone, cable and power utility companies having jurisdiction;
5. If the proposed subdivision is wholly or partially located in the Shoreland and/or Flood Plain District to the Commissioner of Natural Resources; and
6. To the Sauk River Watershed District.

(3) *Action by the Planning Commission.*

(a) The Planning Commission shall consider the preliminary plat together with the reports from city staff and consultants, compliance with the city ordinances and public input. The Planning Commission shall formulate a recommendation concerning the preliminary plat within 30 days, and shall promptly transmit it to the City Council together with 1 copy of the plan and the staff report, or the Council may take action without a recommendation. Notice of the action taken by the Commission will be forwarded to the applicant within 10 days.

(b) The applicant or a duly authorized representative shall attend the Planning Commission meeting at which the proposal is scheduled for consideration.

(c) The Planning Commission shall conduct a public hearing to accept public input on the proposed preliminary plat in accordance with the procedure outlined above.

(d) In considering the preliminary plat, the Planning Commission shall consider the following factors:

1. Consistency with the design standards and other requirements of this chapter;
2. Consistency with the city's Comprehensive Plan or other development plans;
3. Consistency with the Zoning Ordinance;
4. The physical characteristics of the site, including but not limited to, topography, erosion and flooding potential and soil limitations, and the suitability thereof for the type of development or use contemplated;
5. The proposed development will not create a negative fiscal or environmental impact upon the city; and
6. The proposed development may be served by public services and utilities and not cause a negative impact on the systems.

(4) *Additional information.* The Planning Commission and/or city staff shall have the authority to request additional information from the applicant concerning the preliminary plat or to retain expert testimony and/or studies with the consent and at the expense of the applicant concerning the information to be declared necessary to establish compliance with all pertinent sections of this chapter.

(5) *Action by the City Council.*

(a) The recommendation of the Planning Commission on the preliminary plat shall be considered by the City Council, and the City Council shall approve, disapprove or conditionally approve the plat.

(b) If the City Council disapproves the plan, the grounds for any like refusal shall be set forth in the proceedings of the City Council and reported to the applicant.

(c) The City Council shall also act on the approval or disapproval of any variances requested by the applicant and the election by the Council of the method of financing and constructing the required public improvements. Notice of the action(s) taken by the City Council shall be forwarded to the applicant within 10 days.

(6) *Term of approval.*

(a) Approval of the preliminary plat shall be effective for a period of 12 months, unless an extension is granted by the City Council.

(b) The applicant may file a final plat limited to the portion of the preliminary plat as he or she proposes to record and develop at the time, provided that the portion conforms to all requirements of this chapter.

(c) If some portion of the preliminary plat has not been submitted for final plat approval within 1 year, a preliminary plat must again be submitted to the Planning Commission and City Council for approval.

(7) *Preliminary approval.*

(a) Approval of the preliminary plat shall not be construed to be approval of the final plat.

(b) Subsequent approval will be required of the engineering proposals pertaining to water supply, storm drainage, sewage disposal, grading, gradients and roadways widths by the city, Public Utilities Commission, City Engineer and other public officials having jurisdiction prior to the approval of the final plat by the city.

(8) *Plat amendments.*

(a) The amendment of a preliminary plat by the developer, which has already been approved by the City Council, shall be considered a new plat.

(b) Amendments to a preliminary plat that only include items which have been required to be amended, as a part of conditional approval by the City Council, shall not constitute the formation of a new plat.

(9) *Drainage.*

(a) No plat will be approved for a subdivision which is subject to periodic flooding, or which contains poor drainage facilities and which would make adequate drainage to the streets and lots impossible.

(b) However, if the developer agrees to make improvements which will, in the opinion of the City Engineer, make the area completely safe for residential occupancy and provide adequate street and lot drainage and limit 100-year run off to pre-developed conditions, the preliminary plat of the subdivision may be approved.

(c) Plats along lakes and the river should show the floodway, 100-year and 500-year flood plain lines on the preliminary plat.

(E) *Data required for final plat.*

(1) Contents of final plat: When a final plat is approved, it shall include the following:

(a) Name of plat or subdivision;

(b) Scale and north arrow;

(c) Detailed plans and specifications for construction of public utilities including sanitary sewer, municipal and/or community or on-site water supply, drainage and flood control plans, all approved by the City Engineer;

(d) Financial guarantee of cash escrow or letter of credit, as provided for in § 155.05(C) below;

(e) Evidence, through soil borings and percolation tests, that ground water control is at least 5 feet below the level of finished grades or plan for solving ground water problems;

(f) Any supplemental engineering data required by the City Engineer;

(g) Any supplemental data required under regulation of the County Surveyor;

(h) Data required under regulation of the M.S.A. 505: accurate angular and lineal dimensions for all lines, angles and curvatures used to describe boundaries, streets, easements, areas to be reserved for public use and other important features. Dimensions of lot lines shall be shown in feet and hundredths;

(i) All lots and blocks clearly numbered, shown in the center of the block;

(j) Location and width of all easements to be dedicated;

(k) City, county or section lines accurately tied to the lines of the subdivision by distances and angles;

(l) Name and boundary lines of any adjoining platted lands;

(m) Complete curve data, including radii, internal angles, points of curvatures, tangent bearings and lengths of all arcs;

(n) Accurate location of all monuments. A permanent marker shall be deemed to be a steel rod or pipe, extending at least 14 inches below the finished grade. In situations where conditions prohibit the placing of markers in locations prescribed above, offset markers shall be shown on the final plat, together with accurate interior angles, bearing and distances. Monuments shall be placed within 1 year of approval;

(o) Certification by a registered land surveyor to the effect that the plat represents a survey made by him or her and that monuments and markers shown thereon exist as located and that all-dimensional and mathematical calculations relating to their location are correct;

(p) Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat and the dedication of streets and other public areas;

(q) A statement dedicating all easements, streets, alleys, walkways, parks and public open spaces and other public areas not previously dedicated;

(r) Approval by signature of the Mayor, City Administrator and applicable county and state officials;

(s) Delinquent tax certifications as follows:

No delinquent taxes and transfer entered this _____ day of _____.

Signed: _____
County Auditor/Treasurer;

(t) Certification that current taxes have been paid:

Signed: _____
County Auditor/Treasurer;

(u) Certification of city approval as follows:

Approved by the City of Sauk Centre, Minnesota, this ____ day of _____.

Signed: _____
Mayor

Attested: _____
City Administrator;

(v) A section for filing of the plat and the signature of the recording officer.

(2) *Supplementary documents.* The following shall also be provided to the city:

(a) A complete set of construction plans containing plans and specifications to construct the required public improvements and to make the subdivision suitable for development, which conform to the city requirements. These documents will be prepared by the city for projects following the publicly financed public improvement process;

(b) A certified mylar copy of the plat evidencing filing of the plat with the county within 90 days after approval by the city. No building permits shall be approved for construction of any structure on any lot in the plat until the city has received evidence of the plat being recorded by Stearns County;

(c) Three complete sets of 11-inch by 17-inch reproducible as-built construction drawings for any public improvements constructed in the subdivision shall be furnished to the city for the city files, City Engineer and Public Utilities Commission, within 120 days after the construction is complete and approved by the city. In addition 1 digital GIS formatted copy and 1 scanned copy for imaging shall be submitted to the city;

(d) Copies of any protective or restrictive covenants affecting the subdivision or any part thereof;

(e) Upon adoption and filing of a final plat, the city shall prepare a street address map and distribute it to the applicant, utility companies, Police Department, ambulance, Fire Department, post office and county; and

(f) A disk of the recorded plat in AutoCadd or other approved format for inclusion in the city's base map.

(g) A written and signed attorney's certificate that proper and clear evidence of title has been presented and examined.

(F) *Final plat procedure.*

(1) *Procedure for submittal and review.* The procedure for approval of the final plat shall be as follows:

(a) Ten full size copies and 1 reproducible 11-inch by 17-inch copy of the final plat prepared by a registered land surveyor shall be filed with the Zoning Administrator at least 20 days prior to the regular Planning Commission meeting, along with the written application for approval of the final plat and fee, as established in the city fee schedule.

1. The final plat shall be reviewed separately from the preliminary plat unless the city agrees to review the preliminary and final plats simultaneously.

2. The final plat shall incorporate all changes, modifications and revisions required by the city. Otherwise it shall conform to the preliminary plat.

3. If the final plat is not submitted within 12 months, the approval of the preliminary plat shall be considered void unless time has been extended by the City Council.

(b) All final plats shall comply with the provisions of Minnesota Statutes and requirements outlined in this chapter;

(c) The applicant shall submit with the final plat 1 up-to-date (within 30 days) title insurance or opinion, as the City Attorney or Planning Department may require; and

(d) The applicant shall submit with the final plat, certification to the city that there are no delinquent property taxes, current special assessments, interest and city utility fees due upon the parcel of land to which the subdivision application relates.

(2) *Review of final plat.*

(a) The city shall refer copies of the final plat to the City Engineer, for review of engineering standards and specifications, utility companies and other city staff members as appropriate.

1. The abstract of title, registered property report or other evidence shall be submitted to the City Attorney for examination and report.

2. The developer shall reimburse the city for fees associated with the review of the final plat including, but not limited to review by the City Engineer and City Attorney.

(b) Review by all other appropriate agencies that have jurisdiction within or adjacent to the final plat. Agencies may include, but not be limited to, the DNR, SCWD, Stearns County and MN/DOT.

(c) The Planning Commission's recommendation of approval or disapproval of the final plat will be conveyed to the developer in writing within 10 days after the meeting of the Planning Commission at which the plat was considered. In case the plat is being recommended for disapproval, the developer shall be notified of the reason for the action and what requirements shall be necessary to meet the approval of the Commission.

(d) After a review and recommendation of approval or disapproval of the final plat by the Planning Commission, the final plat, together with the recommendations of the Planning Commission shall be submitted to the Council for approval.

1. If accepted, the final plat shall be approved by resolution, which resolution shall provide for the acceptance of all streets, alleys, easements or other public ways and parks, or other open space dedicated to public purposes pursuant to M.S. § 15.99, as it may be amended from time to time,

an application for a final plat shall be approved or denied by the City Council within 60 days from the date of its official and complete submission unless notice of extension is proved by the city or a time waiver is granted by the applicant.

2. If applicable, procession of the application through required state or federal agencies shall extend the review and decision-making period an additional 60 days, unless this limitation is waived by the applicant.

3. Failure of the Council to act on the application within 60 days shall be deemed as approval. If disapproved, the ground for any refusal to approve a plat shall be set forth in the proceedings of the Council and reported to the person or persons applying for approval.

4. No final plat shall be approved that:

a. Does not conform to the preliminary plat;

b. Does not meet the design standards and engineering specifications set forth in this chapter or design standards which are in effect at the time;

c. Does not have the required documents calling for means to finance the public improvements as well as other required data; and/or

d. Is considered a "premature subdivision" as outlined in § 155.07 below.

(e) If the final plat is approved by the City Council, the developer shall record it with the County Recorder's office within 90 days after the date of approval; otherwise the approval shall be considered void.

(Ord. 616, passed 11-21-2001; Am. Ord. 705, passed 4-20-2011)

§ 155.04 DESIGN STANDARDS.

All plats shall conform to the design standards set forth in this chapter, except in cases of changes permitted in a planned unit development, by the City Council approval of a waiver of platting requirements, or by specific exceptions designated by this chapter.

(A) *Monuments*. When public improvements and grading are finished, all subdivisions must have block corner monuments replaced. Survey error may not be more than 1 in 7,500.

(1) The monuments shall be as approved by the Stearns County Surveyor's Office for use as judicial monuments and shall be set at each corner or angle on the outside boundary of the final plat or in accordance with a plan as approved by the city. The boundary line of the property to be included with

the plat to be fully dimensioned; all angles of the boundary excepting the closing angle to be indicated; all monuments and surveyor's irons to be indicated, each angle point of the boundary perimeter to be so monumented.

(2) Pipes or steel rods shall be placed at each lot corner. All United States, Minnesota and county or other official bench marks, monuments or triangular stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat. All lot and block dimensions shall be shown on the plat and all necessary angles pertaining to the lots and blocks, as an aid to future surveys shall be shown on the plat.

(3) It is the developer's responsibility to ensure that the monuments are in place. In the event that a monument is disturbed or removed throughout the course of construction the city and its agents assume no liability.

(B) *Street improvements.*

(1) *Street locations.*

(a) The street layout of every subdivision shall be in conformity with the Comprehensive Plan or circulation element thereof, and shall provide for the continuation of major streets, which serve property contiguous to the subdivision. Street networks shall provide ready access for fire and other emergency vehicles, and the Planning Commission may require additional access points if they are found to be beneficial or necessary to protect public safety.

(b) Where the plat to be submitted includes only part of the tract owned or intended for development by the developer, a tentative plan of a proposed future street system for the un-subdivided portion shall be prepared and submitted by the developer.

(c) Reserved strips controlling access to streets are prohibited.

(d) The arrangement of streets in a subdivision shall either provide for the continuation of existing streets in surrounding areas or conform to a plan for the neighborhood approved or adopted by the City Council to meet a particular situation where topographical or other conditions make continuance of existing streets impractical.

(e) Residential streets or minor streets shall be so arranged as to discourage their use by through traffic. Subdivisions shall be platted to allow for a collector street where deemed desirable by the city. Direct access onto the collector street shall be discouraged.

(f) Where a subdivision abuts on or contains an arterial street, plantings to screen the property shall be encouraged along the arterial street property lines. Deep lots or other treatment as may be necessary for protection of residential properties. Direct frontage and/or access to arterial streets should be avoided.

(g) Street traffic should be designed to flow toward arterial and collector streets. Streets should fit the contours of the land. Street grades, where feasible, shall not be greater than 10% and not less than 0.5%, as defined in division (B)(5)(f) below.

(2) *Street access.*

(a) No land situated in the city which has been subdivided or laid out into separate tracts shall be sold for use for dwellings unless the tracts of land abut upon a public street or public highway.

(b) This limitation shall not apply to planned unit developments approved by the City Council pursuant to the Zoning Ordinance.

(3) *Classification of streets.* Classification of streets shall be determined with reference to the Comprehensive Plan and official street maps including highway, arterial, collector and local streets.

(a) *Cul-de-sacs/dead end streets.* Cul-de-sacs or dead end streets designed to have 1 end permanently closed or in the form of a cul-de-sac, (turn-around) shall contain a turn-around meeting the specifications outlined in division (B)(6) below, or a Y or T permitting comparable ease of turning. These streets shall not exceed 500 feet in length.

(b) *Curved streets.* The location of all curved streets should be so arranged as to fit the natural topography as closely as possible and to make possible desirable land subdivisions and safe vehicular traffic.

(c) *Half streets.* Half streets shall be prohibited, except where essential to reasonable development of the subdivision, and in conformity with the other requirements of these regulations or where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided, or where it becomes necessary to acquire the remaining half by condemnation so that it may be improved in the public interest.

(d) *Local streets.* Local streets shall be designed so their use by through traffic will be discouraged.

(e) *Private streets.* Private streets are prohibited.

(4) *Classification of alleys.*

(a) Alleys shall be prohibited unless special permission is granted by the City Council for their provision.

(b) If permitted, alleys shall have a minimum width of 12 feet and shall be improved to the same standards provided for streets generally.

(c) Dead-end alleys and alleys with sharp changes in direction shall not be permitted.

(5) *Streets.*

(a) *Curb radius.*

1. The minimum curb radii for thoroughfares, collector streets and local streets shall be 14.5 feet.
2. Where required, curbs and gutters shall be installed as per Minnesota Department of Transportation construction specifications Plate B 6-18.

(b) *Reverse curves.* Tangents of at least 100 feet in length shall be introduced between reverse curves on collector streets and 50 feet on lesser streets.

(c) *Reserve strips.* Reserve strips controlling access to streets shall be prohibited except under conditions accepted by the City Council.

(d) *Service streets.*

1. Where a subdivision borders upon a railroad or limited access highway right of way, a street may be required approximately parallel to, and at a distance suitable for, the appropriate use of the intervening land as for park purposes in residential districts or for parking, commercial or industrial purposes in appropriate districts.

2. Distances shall be determined with regard for the requirement of approach grades and possible features grade separations.

(e) *Street alignment.*

1. Connecting street center lines deflecting from each other at any point more than 10 degrees shall be connected by a curve of at least 100-foot radius for collector and local streets, and at least a 300-foot radius for arterial streets.

2. A tangent at least 100 feet long shall be introduced between curves on arterial streets.

(f) *Street grades.* Whenever feasible, street grades shall not exceed the following, with due allowance for reasonable vertical curves.

<i>Street Type or Class</i>	<i>Percent Grade Maximum</i>	<i>Percent Grade Minimum</i>
Arterial	5%	0.4%
Collector	5%	0.4%
Local	8%	0.4%

(g) *City Engineer*. All streets shall be graded in accordance with the specifications of the City Engineer. Grading shall be for the full right-of-way width of the dedicated street.

(h) *Width*. Excess right-of-way widths shall be required wherever, due to topography, additional width is necessary to provide adequate earth slopes.

(I) *Street intersections*.

1. Street intersections shall be as nearly at right angles as is practicable.
2. No street should intersect any other street at less than 80 degrees.
3. Wherever possible, local and collector streets should be designed so as to not intersect with arterial or highways at intersections closer than 500 feet.
4. In general, provisions shall be made at intervals not exceeding ½ mile for through streets (streets running through the subdivision in a fairly direct manner).
5. The cross slopes on all streets, including intersections shall be 3% or less.
6. Intersections shall be designed with a flat grade when practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a 2% grade at a distance of 50 feet measured from the edge of the roadway surface at the intersecting street.
7. Intersections of more than 4 corners shall be prohibited.
8. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut the ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
9. Roadways of street intersections shall be rounded by a radius of not less than 14.5 feet for collector and minor streets, 25 for arterials. Corners at the entrances to the turnaround portions of cul-de-sacs shall be rounded by a radius of not less than 14.5 feet.

(j) *Street jogs*. Street jogs with centerline offsets of less than 125 feet shall be prohibited.

(k) *Surfacing*.

1. All streets shall be surfaced for the full roadway or curb-to-curb width as described in this chapter.

2. Surfacing shall consist of a gravel base over a suitable sub-grade and an approved bituminous or concrete surface in accordance with the specifications of the City Engineer.

Subdivisions

3. Any ditches required for suitable drainage shall be constructed in the unpaved portion of the street and shall be sodded or seeded.

4. Unsuitable soil lying within 1 foot of the subgrade shall be removed and replaced with suitable material.

5. The drop from the centerline of the street to the outer edge of the street shall be a minimum of 1/4-inch per foot of street width.

(1) *Tangents.* A tangent at least 100 feet long must be introduced between reverse curves on collector streets and a tangent of at least 50 feet in length must be introduced between reverse curves and vertical curves on all other streets.

(6) *Minimum street/access standards.*

<i>Class of Street</i>	<i>R/W Width + Feet</i>	<i>Curb Width (Feet)*</i>	<i>Grade (%)</i>	<i>Sidewalk Width (Feet)</i>	<i>Trail ROW</i>
Arterial	100	44	0.5	6	20/8
Collector	66	36	0.5	5	15/8
Local	60	32	0.5	5	15/8
Turn-around (dead end or cul-de-sac)	60-foot radius	45-foot radius	0.5	5	15/8
* The Council may require larger or smaller than minimum widths upon recommendation of the Planning Commission.					

(C) *Public utilities.*

(1) Where sewer and water systems are installed Sauk Centre Public Utility Commission policies shall be consulted; the mains shall be of adequate size to accommodate future growth and utilization.

(2) Stubs shall be provided to each lot from the utility main to the lot line for future connection.

(3) Wherever practical, similar utilities shall be placed in the same general location on streets of the same direction.

(a) *Sanitary sewers.*

1. Sanitary sewers shall be installed to serve all properties in the subdivision where a connection to the city sanitary sewer system is available or where detailed plans and specifications for sanitary sewers to serve the subdivision are available.

2. Sanitary sewer shall be installed as required by standards and specifications approved by the City Council, Public Utilities Commission and the City Engineer.

3. Sanitary sewer lines shall be extended to the edges of the development to facilitate future subdivisions.

4. Where city sanitary sewer is not available for extension into the proposed subdivision, the City Council may authorize individual systems provided they are in compliance with the Minnesota Department of Health and the Minnesota Pollution Control Agency standards.

(b) *Water.*

1. Where a connection to the city water system is presently available, water distribution facilities including pipefittings, hydrants, valves and the like, shall be installed to serve all properties within the subdivision.

2. Public water facilities shall be installed as required by standards and specifications as approved by the City Council and City Engineer.

3. Size of water mains shall conform to the policies of the Public Utilities Commission. Looping of water mains shall be required when feasible.

4. Where city water facilities are not available for extension into the proposed subdivision the City Council may authorize individual wells provided they are in conformance with the Minnesota Department of Health and duly approved.

(c) *Storm water.* All subdivision design shall incorporate adequate provisions for storm water runoff consistent with the Sauk Centre Comprehensive Plan and/or storm water plan, as applicable, and be reviewed and approved by the City Engineer and watershed district, where applicable. Erosion and siltation control shall be coordinated to control run-off from the development directly into street storm water catch basins.

(d) *Electric/telephone/cable.*

1. All new electric distribution lines (excluding main line feeders and high voltage transmission lines), telephone service lines, cable television lines and services constructed within the confines of and providing service to customers in a newly platted residential area shall be buried underground, except where topographical, geological or other physical conditions make underground installation cost prohibitive.

2. These lines, conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services.

3. Transformer boxes shall be located so as not to be hazardous to the public.

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4. The City Council may waive the requirements of underground services as set forth in this section if, after study and recommendation by the Planning Commission, the City Council establishes that the underground utilities would not be compatible with the planned development or unusual topography, soil or other physical conditions which would make underground installation unreasonable or impractical.

(D) *Erosion and sediment control.*

(1) Grade and drainage requirements for each plat shall be subject to approval of the City Engineer.

(2) The following controls shall be practiced to manage erosion and sediment control:

(a) Where topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the developed area. Topsoil shall be restored or provided to a minimum depth of 6 inches and shall be of a quality at least equal to the soil quality prior to development;

(b) The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion;

(c) Erosion and siltation control measures shall be coordinated with the different stages of construction and approved by city staff.

1. Appropriate control measures shall be installed prior to development when necessary to control erosion.

2. Silt fences shall be installed in the front of all lots, prior to issuing a building permit.

3. The silt fence shall be installed right behind the curb or if a sidewalk is in place right behind the sidewalk.

4. If a sidewalk is located in the front of the lot the developer will be responsible for sodding the boulevard between the sidewalk and the curb before a certificate of occupancy will be issued;

(d) Land shall be developed in increments of workable size so that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any 1 period of time;

(e) When soil is exposed, the exposure shall be for the shortest feasible period of time, as specified in the development agreement; and

(f) Any disturbances of 5 or more acres of land requires a general construction storm water permit (MNR100000) prior to starting construction.

(E) *Lot and block standards.*

(1) *Lots.* Lots shall be designed to meet the following minimum standards.

(a) *Area.* The minimum lot area, width and depth shall be sufficient to satisfy zoning requirements.

(b) *Corner lots.* Corner lots for residential uses shall have additional width to permit appropriate building setback from both streets as required in the Zoning Ordinance.

(c) *Double frontage lots.*

1. Double frontage lots (or "through" lots) should be avoided, except where the subdivision abuts a major highway; major road or arterial; or to overcome disadvantages of topography.

2. A planting screen easement of at least 20 feet and across which there may be no right of access, will be provided along the line of lots abutting the traffic artery or other disadvantageous use.

(d) *Features.* In the subdividing of land, regard shall be shown for all natural features such as tree growth, watercourses, bluffs, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.

(e) *Frontage/access.* Every lot must have the minimum frontage on a city approved street other than an alley, as required by the city Zoning Ordinance, except where permitted under a planned unit development.

(f) *Lot boundaries.* No lot shall be divided by a boundary line between registered land and abstract property.

(g) *Lot corners at street intersections.*

1. Curbs at street intersections shall be rounded by an arc, the minimum radius of 14.5 feet or by a straight line not less than 7 feet in length at approximately 45-degree angles from the lot lines.

2. Lots at corners shall be platted with additional lot width of at least 15 feet wider to allow appropriate building setbacks from both streets as required by the Zoning Ordinance in effect.

(h) *Lot line angles.*

1. Side lot lines shall be straight lines running within 20 degrees of perpendicular to the road upon which the lots front.

2. Side lot lines on curved roads should run at or near radially to the curve.

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(I) *Lot pads.*

1. The top of the foundation and the garage floor of all structures shall be a minimum of 12 inches and a maximum of 24 inches above the grade of the crown of the street upon which the property fronts.

2. Exceptions to this standard may be approved by the Zoning Administrator for special circumstances such as increased setback, site topography, flooding potential, septic system operation and the like, provided that proper site and area drainage is maintained and the elevation of the structure is in keeping with the character of the area.

3. The Zoning Administrator may require a certificate of survey prior to building permit issuance to assure compliance with this section if lot pads are not installed as part of the subdivision process.

(j) *Lot remnants.* All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels, except where the owner can show plans for the future use of the remnant.

(k) *Lots along thoroughfares.*

1. There shall be no direct vehicular access from residential lots to a major arterial street, and residential lots shall be separated from major arterial streets and railroad rights-of-way by a 25-foot buffer strip, which may be in the form of added depth or width of lots backing on or siding on the thoroughfares or railroad right-of-way.

2. Where driveway access from a major or collector street may be necessary for several adjoining lots, the city may require that the lots be served by a combined access drive in order to limit possible traffic hazards on the street.

(l) *Re-subdivision of lots.* When a tract is subdivided into larger than normal building lots or parcels, those lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate re-subdivision, with provision for adequate utility connections for the re-subdivision.

(m) *Setback lines.* On the preliminary plat, setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the city Zoning Ordinance, as may be amended.

(n) *Turn-around access.* Where proposed residential lots abut a collector or arterial street, they should be platted in a manner so as to encourage turn-around access and egress on each lot.

(o) *Watercourses.* Lots abutting a watercourse, wetland, ponding area or stream shall have additional depth and width, as required under the provisions of the city Zoning Ordinance.

(2) *Block standards.* All blocks shall be designed to meet the following minimum standards.

(a) *Block access.* Pedestrian ways or bicycle trails 10 feet wide may be required between streets paralleling a block if pedestrian access to schools or other areas of pedestrian destination is deemed desirable by the Planning Commission and City Council.

(b) *Arrangement.* A block shall be so designated as to provide 2 tiers of lots, unless it adjoins a railroad or limited access highway and unless topographical conditions necessitate a single tier of lots.

(c) *Block length.*

1. In general, intersecting streets, determining block lengths, shall be provided as intervals so as to serve cross-traffic adequately and to meet existing streets.

2. Where no existing plats control, the blocks in residential subdivisions should not exceed 1,000 feet in length nor be less than 400 feet in length, except where topography or other conditions may justify a departure from this maximum.

3. In blocks longer than 600, pedestrian ways and/or easements through the block may be required near the center of the block.

(d) *Block shape.* Blocks shall be shaped so that all blocks fit readily into the overall plan of the subdivision and their design must evidence consideration of lot planning, traffic flow and public open space areas.

(e) *Block use.* Blocks intended for commercial, institutional and industrial use must be designated as so and the plan must show adequate off-street areas to provide for parking, loading docks and other facilities that may be required to accommodate motor vehicles.

(F) *Park/public land dedication.*

(1) *Intent and purpose.*

(a) The process of dividing land into separate parcels for parks and open space is 1 of the most important factors in the growth of any community.

(b) Once the land has been dedicated to parks and open space, the basic character of the permanent addition to the city has become firmly established.

(c) It is, thereof, in the interest of the general public, the developer and the residents of the community, that parks and open space areas be conceived, designed and developed in accordance with the highest possible standards of excellence.

Subdivisions

(d) All parks and open space areas hereafter dedicated shall comply, in all respects, with the regulations set forth herein.

(e) It is the purpose of these regulations to:

1. Provide for a variety of activities within the park system, including various cultural and social activities, and active and passive recreation;
2. Establish and promote high quality design standards in the development of the park system;
3. Encourage cooperative planning development and use of park and recreational facilities by the school district and the city so that the city facilities can be useful to the school district and the school district facilities will be available to city residents; and
4. To ensure that all areas of the city have equal access to parks and open space areas by providing for equal distribution of parks and open spaces throughout all sections of the city relative to user population densities.

(2) *General requirements.*

(a) Where a proposed park, playground or open space area is proposed to be located in whole or in part in a subdivision, the Planning Commission shall require that the area or areas be shown on plats in accordance with the requirements specified to the city by the developer if the City Council approves the dedication.

(b) The Planning Commission shall require that plats show sites of an acceptable character and location suitable for the development of a park, playground or other recreation purposes. The Planning Commission may require that the developer satisfactorily grade any like recreation areas shown on the plat to ensure maximum advantage of natural features, notable waterways and the like.

(c) Land to be dedicated for parks and open spaces shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served.

(d) Existing features, which would add value to residential development or to the local government as a whole, such as trees, watercourses and falls, beaches, historic spots and similar irreplaceable assets, shall be preserved in the design of the subdivision.

(e) No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees, where required, shall be welled and protected against change of grade.

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(f) The preliminary plat shall show the number and location of existing trees, where practical, as required by these regulations, and shall further indicate all those marked for retention, and the location of all proposed trees required along the street side of each lot, as required by these regulations.

(g) Where a proposed park, playground, school site or other public site shown on an adopted plan or the official map is embraced in part or whole by a boundary of a proposed subdivision, and the public sites are not dedicated to the city or Board of Education, the public ground shall be shown as reserved land on the preliminary plat so as to allow the city, state agency, Board of Education or other governmental agency the opportunity to consider and take action toward acquisition of the site by purchase or other means prior to approval of the final plat.

(3) *Dedication requirements.*

(a) The city does hereby require that in all plats of subdivisions to be developed for residential, commercial, industrial or other uses, or as a planned unit development which includes residential, commercial and industrial uses, or any combination thereof, 10% of the gross areas of all property being subdivided shall be dedicated for parks, playgrounds, trails, recreational areas or public open space. The percentages shall be in addition to the property dedicated for streets, alleys, drainage ways, pedestrian ways or other public ways. Storm water ponding areas may be incorporated into the parkland but shall not be considered a part of the parkland dedication.

(b) The city shall have the option of requiring a cash contribution in lieu of the land dedication. The required cash contribution shall be in accordance with the fee schedule as set forth by resolution adopted by the City Council. The city may elect to accept a combination of land dedication for park use and a cash payment. If the city selects a fee in lieu of land, the developer shall be required to pay the dedication prior to the filing of the final plat.

(c) Church, school, government buildings and other non-profit organizations who operate and are based within the city limits may be exempt from the requirements specified in this section, by action of the City Council. If the property that is exempt from park dedication is ever subdivided, re-platted or sold and used for other purposes, than those mentioned above, it would be subject to the requirements specified in this section.

(d) Parks bordered on 1 or more sides by existing or native rivers, lakes or streams shall ensure:

1. Access to the park is provided from an arterial roadway or collector street;
2. Pathways that allow emergency motorized vehicle traffic within the park are present;
3. All new parks shall provide access ways, from all practical directions, as determined by the Planning Commission. All access ways shall be in compliance with the Americans with Disabilities Act, being 42 U.S.C §§ 1201 et seq.;

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4. Parking areas shall be established on land adjacent to the required parkland area, sized to meet the needs of the planned facilities. The parking areas shall be dedicated to public use and shall be included in the 10% land dedication. The city shall complete improvement of the parking area; and

5. The developer shall be responsible for grading and seeding of required parkland, to city specifications.

(4) *Exception for outlots.*

(a) In subdivisions which include outlots the developer, at the Council's discretion, may contribute land, cash or any combination thereof for the entire subdivision, including the land within the outlots or for only that land exclusive of the outlots.

(b) When outlots are subdivided, the contribution requirement shall be met in accordance with then existing regulations as applicable unless the contributions have been previously met.

(5) *Special fund.* All monies collected from cash contributions shall be placed in a special fund from which only those public uses outlined in this section may be realized.

(6) *Land dedication.*

(a) In cases where the developer is required to dedicate land area the City Council shall have the right to determine the geographic location and configurations of the dedication.

(b) If a new subdivision is designed to be platted in several additions, all public recreation space, school sites or other areas of public use in the total subdivision shall be dedicated at the time of platting of the first addition, except, streets, alleys or easement other than those leading directly to the sites may be excluded if deemed desirable by the city.

(G) *Easements.*

(1) *Drainage.*

(a) Where a subdivision is traversed by a watercourse, there shall be provided a drainage way, channel, outlet or drainage right-of-way conforming substantially with the lines of the watercourse, together with the further width of construction of both, as will be adequate for storm water run off as indicated by the City Engineer.

(b) All drainage easements shall be so identified on the plat and shall be graded and sodded in accordance with this chapter's requirements.

(2) *Public trails/walkways.*

(a) In addition to other open space, dedication of easement to provide connections to public trails will be required where shown on the Comprehensive Plan.

(b) Where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation and other community facilities, pedestrian easements with rights-of-way widths of not less than 10 feet shall be required.

(3) *Utilities.*

(a) Easements at least 10 feet wide, centered on rear and front lot lines, and easements as requested by utility companies, unless the side lot line abuts a public right-of-way or is used for storm or sanitary sewer in which it shall be 20 feet wide, for all utilities.

(b) In special circumstances, such as the need for extra depth, a greater easement width may be required.

(c) Easements shall have continuity of alignment from block to block.

(H) *Other.*

(1) *Character of the land.*

(a) Land which the City Council finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the City Council, upon recommendation of the Planning Commission, to solve the problems created by the unsuitable land conditions.

(b) The land shall be set aside for uses as shall not involve like dangers.

(2) *Preservation of natural features.* The Planning Commission and City Council may establish any existing natural features in order to preserve any trees, groves, water courses and falls, beaches, historic sites, vistas and similar irreplaceable assets which add value to all developments and to the community as a whole.

(3) *Subdivisions in flood plain and shoreland management districts.*

(a) No land shall be subdivided which is deemed by the city to be unsuitable for the proposed uses, because of flooding. All plats located in the Flood Plain Management District shall comply with the requirements of the Zoning and/or Flood Plain Ordinance.

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(b) Copies of all plats within the Shoreland District shall be submitted to the Minnesota Commission of Natural Resources within 10 days of submission of the completed application. All plats located within the Shoreland District shall comply with the requirements of the Zoning and/or Shoreland Ordinance.

(4) *Planned unit developments.* All Planned Unit Developments (PUDs) must comply with the requirements of Chapter 151.

(5) *Planting, gateways, entrances.*

(a) Erosion within entrance areas shall be improved with weed free sod or the area shall be controlled with hay bales or riprap to avoid erosion, as approved by the City Engineer.

(b) The planting of trees, the type and spacing on public property will be subject to the regulations of the City Council.

(c) No planting, gateways, entrances and similar improvements may be made on public property except with permission and approval of the Council.

(6) *Sidewalks/pedestrian ways.*

(a) In those cases where the City Council deems it appropriate and as designated by the Comprehensive Plan, sidewalks of not less than 5 feet in width shall be provided (i.e. along highways, collectors, arterials and the like).

(b) Where a proposed plat abuts or includes an arterial street, sidewalks of not less than 5 feet in width shall be provided on both sides of the paved surface, unless a trail is included as designated by the Comprehensive Plan.

(c) Where the proposed plat abuts or includes a collector street, sidewalks of not less than 5 feet in width shall be required on one side of the street. In all cases where sidewalks are provided provisions shall be made for handicapped access.

(7) *Sodding.* If a sidewalk is located in the front of the lot the developer will be responsible for sodding the boulevard between the sidewalk and the curb before a certificate of occupancy will be issued. All drainage swales shall be graded and sodded or protected with other city approved erosion control measures.

(8) *Trees.* The Planning Commission and Council may allow the required trees to be planted in 1 area, such as along an arterial street or between incompatible zoning districts as a buffer in lieu of plantings on each lot.

(9) *Trunk area charges.* All unplatted land, may be charged water, sanitary sewer and storm sewer trunk area charges calculated in the manner set forth in the City of Sauk Centre fee schedule, special assessment policies and procedures for public improvements.

(10) *Administration fee.* All new plats, developer financed and 429 public improvement projects may be charged an administration fee for the reimbursement of staff time in accordance with the local improvement policy.
(Ord. 616, passed 11-21-2001)

§ 155.05 REQUIRED IMPROVEMENTS AND AGREEMENTS.

(A) *Developer's agreement.*

(1) Before the Council approves a final plat the owner/developer shall execute a developer's agreement for the new subdivision, which contains satisfactory assurance that he or she will provide the following improvements at his or her expense.

(2) The owner or developer, if privately financing the project shall deposit with the City Administrator an amount agreed to in the development agreement, either in cash, a letter of credit or an indemnity bond, with sureties satisfactory to the city, conditioned upon the payment of all expenses incurred by the city for engineering and legal fees and other expense in connection with the making of the improvement.

(3) The development agreement, which shall be recorded at the Stearns County Recorder's office following filing of the plat, shall include:

- (a) The proposed legal description of the land which will result upon being platted;
- (b) A warranty, such as a current (30-day or less) title opinion, that the developer is the fee owner, unless the agreement is a 3-way agreement (city, developer and owner);
- (c) Method of financing public improvements and engineer's estimated cost of the improvements;
- (d) An itemization of trunk areas charges for water, sanitary sewer and storm sewer, as applicable;
- (e) A description of parkland dedication or the fee-in-lieu of and the land the dedication includes. The agreement should identify whether or not park land dedication for outlots is included with this phase;
- (f) An itemization of other fees associated with the subdivision including civil defense siren fees, legal fees, engineering fees and fees for administering the assessment process, as applicable;
- (g) Erosion control standards;

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(h) A provision that no private construction will be made on the plat or no building permit shall be filed for the construction until all improvements required under this chapter have been made or arranged for in a manner approved by the City Council;

(I) A listing or schedule of when and what improvements, subject to inspection and approval by the City Engineer, shall be required as recommended by the Planning Commission and approved by the City Council;

(j) A certification by the City Administrator or City Engineer that the improvements, agreements and documents meet the minimum requirements of all applicable ordinances;

(k) A provision containing all conditions, if any, imposed by the City Council upon approval of the final plat; and

(l) A provision requiring all improvements to be inspected by the City Engineer during construction at the expense of the developer. Additionally, the subdivision agreement shall also contain a provision for supervision of review of plans by the City Engineer.

(B) *General improvements.*

(1) Monuments shall be installed at all lot corners, block corners, angle points, points of curves and streets and at intermediate points as required by the City Engineer. Monuments removed or destroyed during the construction process shall be replaced by the developer.

(2) All streets shall be graded and surfaced in accordance with applicable standard specifications of the city, and subject to inspection and approval by the City Engineer.

(3) Concrete curbs, gutters, drainage and drainage structures in accordance with standards of the city, and subject to the inspection and approval of the City Engineer.

(4) Street name signs at all street intersections within or abutting the subdivision of a type approved by the city and placed in accordance with the standards of the city. Note, the city may elect to order and place the street signs and charge the expense to developer.

(5) Installation of sanitary sewer and water mains including extension of both to the extremities of the property being platted.

(6) Connection of each lot to public sanitary sewer subject to the approval of the City Engineer.

(7) Water mains and service connections, sufficient to serve all lots in the subdivision, stubbed to the property line.

(8) Provisions shall be made for the proper drainage of all streets through the installation of adequately designated culverts, storm sewers, retention ponds and the like and the installation thereof shall be considered part of the essential street construction requirements.

(9) Provisions shall be made for the installation of sidewalks or trails at locations designated by the city.

(10) Standard or decorative street lighting with underground wiring as approved by the Sauk Centre Public Utilities Commission specifications. The developer and/or developer's engineer is responsible for forwarding information to the PUC prior to installation.

(11) Plans for final grading and planting of appropriate ground cover on vacant lots may be required of the developer as a condition of city acceptance of the public improvements identified in this section.

(12) Franchised and public utilities including telephone, cable TV, electric and gas service lines are to be placed underground. Conduits, pipes or cables shall be placed within easements or in rights-of-way adjacent to streets in a manner so as not to conflict with other underground services.

(13) Every buildable lot shall be identified by a sign that indicates the lot and block number and address, if available, which is approved by city staff prior to issuing any building permits. These signs can be removed as lots are developed.

(C) *Financing and participation by the city.*

(1) Prior to City Council approval of the final plat and as included in the subdivision agreement the developer shall be required to provide a financial guarantee to assure installation of all required improvements at his or her expense or shall submit to the city a petition for public improvements with the project expenses to be financed by the city and assessed against the subject property. Petitions for public improvements shall be submitted to the city for consideration by October 1 of the year preceding the proposed construction.

(2) The owner or developer, if privately financing the project shall deposit with the city 1 of the following.

(a) *Cash escrow deposit submitted to the City Treasurer in an amount of 125% of the total cost as estimated by the City Engineer of the improvements.*

1. Improvement costs shall include all construction costs incurred in making the improvements, all expense incurred by the city for engineering, planning and legal fees and all other expenses in connection with the making of the improvements.

2. The total cost shall include costs of inspection by the City Engineer. The city shall be entitled to reimburse itself out of the deposit for any cost or expense incurred by the city for completion of the work in case of default of the developer under the agreement and for any damages sustained on account of any breach thereof.

3. Immediately upon completion of the work, the developer may submit to the city copies of invoices for work completed and approved by the City Engineer.

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4. The city may then release a portion of the escrow funds. At no time shall the escrowed amount be less than 125% of the remaining construction costs. Upon completion and acceptance of the work and termination of any liability the remaining balance of the escrow deposit shall be refunded to the developer.

(b) *Letter of credit.*

1. The developer may deposit with the city from a bank or other reputable institution a letter of credit providing authorization and guarantee to the city that the city may draw on the developer's account, amounts not to exceed the financial guarantee.

2. The required financial guarantee shall be in an amount equal to 125% of the total cost as estimated by the City Engineer for the improvements.

3. Improvement costs shall include all construction costs incurred in making the improvements, all expense incurred by the city for engineering, planning and legal fees, and all other expense in connection with the making of the improvements.

4. The total cost shall include costs of inspection by the City Engineer.

5. The letter of credit shall be irrevocable, and shall provide for 30 days notice to the city and approval of the City Council of any change, amendment or termination. The city shall accept the letter of credit as a financial guarantee only after review and approval.

6. Immediately upon completion of the work, the developer may submit to the city copies of invoices for work completed and approved by the City Engineer. The city may release a portion of the letter of credit. At no time shall the amount of the letter of credit be less than 125% of the remaining construction costs. Upon completion and acceptance of the work and termination of any liability the letter of credits shall be released.

(c) *Performance bond.*

1. The developer may furnish a public contractor's performance bond as prescribed by Minnesota Statutes, with corporate surety in a penal sum equal to 125% of the City Engineer's cost estimate for the required improvements to be furnished and/or installed by the developer.

2. Prior to its acceptance, the City Attorney shall approve the performance bond. The term of the performance bond shall not exceed 2 to 3 years at which time if the improvements are not constructed, the bond shall be forfeited and the city shall install the improvements from bond proceeds.

3. In addition to the bond, a certified check shall be submitted from the developer in the amount of the estimated inspection costs and all engineering expenses for the required improvements to be furnished and/or installed by the developer. The check is to be submitted at the time of submission of the performance bond.

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4. The City Council will not accept dedication of required improvements nor release a performance bond until the City Engineer has submitted a statement that all required improvements have been satisfactorily completed. Upon approval and recommendation, the City Council shall thereafter accept the improvements of dedication in accordance with the established procedure.

(3) All required improvements shall be inspected by the City Engineer during construction at the expense of the developer. The contract shall contain a provision for supervision of construction by the City Engineer and shall grant to the Engineer the authority to correlate the work to be done under the contract by any subcontractor authorized to proceed thereunder with other work being done or contracted by the city in the vicinity.

(4) The owner or developer, if publicly financing the project through the city's assessment process (M.S. § 429, as it may be amended from time to time) shall deposit with the city 1 of the following at the time of execution of the developer's agreement. The financial guarantee shall be held by the city during the construction period until all improvements have been substantially completed and approved.

(a) *Cash escrow deposit submitted to the City Treasurer in an amount of 100% of awarded bid price of the improvements.*

1. Improvement costs shall include all construction costs incurred in making the improvements, all expense incurred by the city for engineering, planning and legal fees, and all other expense in connection with the making of the improvements.

2. The total cost shall include costs of inspection by the City Engineer.

3. The city shall be entitled to reimburse itself out of the deposit for any cost or expense incurred by the city for completion of the work in case of default of the developer under the agreement and for any damages sustained on account of any breach thereof.

4. Upon substantial completion and acceptance of the work and termination of any liability the remaining balance of the escrow deposit shall be refunded to the developer.

(b) *Letter of credit.*

1. The developer may deposit with the city from a bank or other reputable institution a letter of credit providing authorization and guarantee to the city that the city may draw on the developer's account, amounts not to exceed the financial guarantee.

2. The required financial guarantee shall be in an amount equal to 100% of the awarded bid price for the improvements.

3. Improvement costs shall include all construction costs incurred in making the improvements, all expense incurred by the city for engineering, planning and legal fees and all other expense in connection with the making of the improvements.

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4. The total cost shall include costs of inspection by the City Engineer.

5. The letter of credit shall be irrevocable, and shall provide for 30 days notice to the city and approval of the City Council of any change, amendment or termination. The city shall accept the letter of credit as a financial guarantee only after review and approval.

6. Upon completion and acceptance of the work and termination of any liability the letter of credits shall be released.

(c) *Performance bond.*

1. The developer may furnish a public contractor's performance bond as prescribed by Minnesota Statutes, with corporate surety in a penal sum equal to 100% of the City Engineer's cost estimate for the required improvements to be furnished and/or installed by the city on behalf of the developer.

2. Prior to its acceptance, the City Attorney shall approve the performance bond. The term of the performance bond shall not exceed 5 years at which time if the improvements are not constructed, the bond shall be forfeited and the city shall install the improvements from bond proceeds.

3. In addition to the bond, a certified check shall be submitted from the developer in the amount of the estimated inspection costs and all engineering expenses for the required improvements to be furnished and/or installed by the developer.

4. The check is to be submitted at the time of submission of the performance bond.

5. The City Council will not accept dedication of required improvements nor release a performance bond until the City Engineer has submitted a statement that all required improvements have been satisfactorily completed.

6. Upon approval and recommendation, the City Council shall thereafter accept the improvements of dedication in accordance with the established procedure.

(5) The owner or developer, if publicly financing the project through the city's assessment process (M.S. § 429 as it may be amended from time to time), shall deposit with the city on an annual basis 1 of the following financial guarantees until a time that the principal and interest on assessments have been paid in full. The guarantee shall be provided to the city by December 15 of each year for the following calendar year.

(a) Cash escrow deposit submitted to the City Treasurer in an amount equal to the following year's principal and interest assessments against the lots within the subdivision and the city shall be entitled to reimburse itself out of the deposit for any delinquent assessments as of November 15 in the following year.

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1. Immediately upon sale of a lot and payment of its assessments and/or payment of fees for city services (planning, legal, engineering and the like), the developer may submit to the city a request to release a portion of the escrow funds.

2. Upon sale of the lots and payment of assessments the remaining balance of the cash escrow deposit shall be refunded to the developer.

3. The city may release a portion of the escrow funds, but at no time shall the escrowed amount be less than the estimated annual principal and interest assessments for the following year.

(b) Letter of credit; the developer may deposit with the city from a bank or other reputable institution a letter of credit providing authorization and guarantee to the city that the city may draw on the developer's account, amounts not to exceed the financial guarantee.

1. The letter of credit shall be submitted to the City Treasurer in an amount equal to the following year's principal and interest assessments against the lots within the subdivision, and the city shall be entitled to reimburse itself out of the deposit for any unpaid assessments which occur.

2. Immediately upon sale of a lot and payment of its assessments and/or payment of fees for city services (planning, legal, engineering and the like), the developer may submit to the city a request to release a portion of the letter of credit.

3. The city may release a portion of the letter of credit, but at no time shall the amount be less than the estimated annual principal and interest assessments for the following year. Upon sale of the lots and payment of assessments the remaining balance of the letter of credit shall be released.

(D) *As-built drawings.*

(1) Upon completion of the project, as-built drawings of all improvements shall be filed with the City of Sauk Centre. Drawings shall include 3 full 11-inch by 17-inch reproducible copies for the city, Public Utilities Commission and City Engineer, 1 digital set in GIS format and 1 scanned set for imaging. As-built drawings shall show the date of construction and shall be drawn in a manner and on materials to meet the standards of the city.

(2) As-built drawings must be completed and filed with the Public Works Superintendent within 120 days of the completion of the improvements.

(3) If as-built drawings are not filed within the time period specified, the City Engineer may be authorized to conduct surveys and complete drawings, with all of the costs pursuant thereto to be paid by the owner, and the City Council may elect to withhold building permits for construction within the subdivision.

(Ord. 616, passed 11-21-2001)

Subdivisions

§ 155.06 MINOR SUBDIVISIONS; WAIVER OF SUBDIVISION PLATTING REQUIREMENTS.

(A) *Application.* Minor subdivisions shall apply to the following applications:

(1) In the case of a request to divide a lot where the division is to permit the adding of a parcel of land to an abutting lot;

(2) In the case of a request to divide a lot from a larger tract of land thereby creating no more than 2 lots. To qualify, the parcels of land shall not have been part of a minor subdivision within the last 5 years; and

(3) In the case of a request to divide a base lot upon which a 2-family dwelling, townhouse or a quadraminium which is a part of a recorded plat where the division is to permit individual private ownership of a single dwelling unit within a like structure and the newly created property lines will not cause any of the unit lots or the structure to be in violation of this chapter.

(B) *Contents and data required.*

(1) *Certificate of survey.*

(a) The requested minor division shall be prepared by a licensed land surveyor in the form of a certificate of survey.

(b) If the property affected is registered land, a registered land survey shall be required.

(c) Ten copies of the survey shall be submitted to the Zoning Administrator not less than 2 weeks prior to the next Planning Commission meeting.

(d) Contents of the certificate of survey shall include:

1. North arrow;
2. Lot sizes in square feet, prior to and after the proposed split;
3. Existing buildings and setbacks from proposed lot lines;
4. Tree cover;
5. Legal descriptions for the parcels to be created; and
6. Streets and easements.

(2) *Additional information.* In addition to the certificate of survey, the applicant shall submit:

- (a) A special assessment search;
- (b) Property owners names and addresses and proof of ownership; and
- (c) Zoning of all affected parcels.

(C) *Procedure for minor subdivisions.*

(1) *Filing.* Ten reproducible 11-inch by 17-inch copies of the certificate of survey, prepared by a licensed land surveyor shall be filed with the Zoning Administrator at least 20 days prior to the regular Planning Commission meeting, at which time the minor subdivision is to be considered, along with the required application information and fee.

(2) *Action by the City and Zoning Administrators.*

(a) The City Administrator, upon recommendation of the Zoning Administrator, may administratively approve the subdivision without Planning Commission review and approval, provided that it complies with applicable provisions of this chapter.

(b) If it is the opinion of the Zoning Administrator that Planning Commission approval is warranted due to complex divisions, applicable provisions of division (C)(3) below shall be followed.

(3) *Action by the Planning Commission when required under division (C)(2)(b) above.*

(a) The Planning Commission shall consider the minor subdivision together with the reports from city staff and consultants, and compliance with city ordinances.

(b) The Planning Commission shall formulate a recommendation concerning the minor subdivision and promptly transmit it to the City Council together with 1 copy of the certificate of survey, application and staff report, or the Council may take action without a recommendation.

(4) *Action by the City Council.*

(a) The City Council shall approve, conditionally approve or deny the minor subdivision.

(b) If the City Council disapproves the minor subdivision, the grounds for refusal shall be set forth in the proceedings of the City Council and reported to the applicant.

(5) *Term of approval.* Approval of the minor subdivision shall be effective for a period of 12 months, unless an extension is granted by the City Council.

Subdivisions

(D) *Design standards.*

(1) The minor subdivision shall conform to all design standards as specified in § 155.04 above.

(2) Any proposed deviation from the standards shall require the processing of a variance request.

(E) *Processing.*

(1) If the land division results in 2 lots each greater than 10 acres in size, the City Administrator may administratively approve the subdivision without Planning Commission and Council review and approval, provided that it complies with applicable provisions of this chapter.

(2) In the case of applications involving the division of property, which results in a lot less than 10 acres in area, applicable procedure provisions of division (C) above shall be followed.

(F) *Filing.*

(1) Upon execution of the Council's resolution approving the petition for a minor subdivision, the City Administrator or Zoning Administrator shall be authorized to sign the deed or registered land survey as meeting the requirements of the city.

(2) The certificate of survey or registered land survey shall be filed and recorded at the office of the County Recorder within 30 days of approval.

(Ord. 616, passed 11-21-2001; Am. Ord. 694, passed 7-21-2010)

§ 155.07 COMMON INTEREST COMMUNITIES.

(A) *Common interest communities (CIC) approval.* A common interest community shall be evaluated and considered for approval in the same manner as a standard plat and shall be subject to the site coverage standards contained within the City of Sauk Centre Zoning Ordinance.

(B) *Requirements.* Common interest communities shall be subject to all use, residential density, setback and height requirements of the applicable zoning district and any other applicable standard contained in the City of Sauk Centre Zoning Ordinance.

(C) *Conversions of common interest communities.* The conversion of existing common interest communities, resorts, mobile home parks or other similar types of developments from privately owned structures on leased or rented land, or the division of several commonly owned structures on a single

parcel of land to individually owned parcels containing separate structures, shall be by a standard plat pursuant to the requirements of this chapter and the applicable requirements of M.S. Ch 515A and Ch. 515B, as they may be amended from time to time, or successor statutes, and shall be further subject to the following.

(1) *Sewage treatment.*

(a) When considering approval of conversions the Planning Commission shall consider the development as a whole, relative to the provision for sewer and on-site sewage treatment systems, and shall require connections to the municipal system where they are available.

(b) In areas where municipal services are not available, design plans shall be presented and approved for a community wastewater treatment system as an integral element of the community interest community approval.

(c) A timeline to implement the approved wastewater treatment plan and/or eliminate all identified failing sewage treatment systems shall be established by a subdivision or development agreement.

(2) *Conformity.*

(a) The developer shall make every effort to minimize the degree of nonconformity with existing lot requirements and setback requirements.

(b) Lot lines shall be arranged to provide the largest possible setbacks between structures that will become the principal structures on the newly created lots.

(c) Accessory buildings shall be moved or removed when and where possible to create the lowest, most uniform density possible.

(3) *Density.* The conversion shall not result in an increase in residential density, unless the residential density requirements of the applicable zoning district are met.

(4) *Unified and efficient use of space.* To the extent possible, the common open space, individual properties and other elements of the common interest community shall be so planned that they will achieve a unified scheme of planning and efficient distribution of uses.
(Ord. 616, passed 11-21-2001)

Subdivisions

§ 155.08 PREMATURE SUBDIVISIONS.

(A) *Conditions establishing premature subdivisions.* Any preliminary plat of a proposed subdivision deemed premature for development shall be denied by the City Council. A subdivision may be deemed premature should any of the conditions set forth in the provisions which follow exist.

(1) *Lack of adequate drainage.* A condition of inadequate drainage shall be deemed to exist if:

(a) Surface or subsurface water retention and runoff is such that it constitutes a danger to the structural security of the proposed structures;

(b) The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land;

(c) The proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downhill or downstream land; or

Subdivisions

(d) Factors to be considered in making these determinations may include, but are not limited to:

1. Average rainfall for the area;
2. The relation of the land to flood plains;
3. The nature of soils and subsoils and their ability to adequately support surface water runoff and waste disposal systems;
4. The slope of the land and its effect on effluents; and
5. The presence of streams as related to effluent disposal.

(2) *Lack of adequate water supply.* A proposed subdivision shall be deemed to lack an adequate water supply if the proposed subdivision, if developed to its maximum permissible density, does not have adequate sources of water to serve the proposed subdivision without causing an unreasonable depreciation of existing water supplies for surrounding areas.

(3) *Lack of adequate streets or highway to serve the subdivision.* A proposed subdivision shall be deemed to lack adequate streets or highways to serve the subdivision when:

(a) Streets which currently serve the proposed subdivision and/or streets that are proposed to serve the subdivision are of a width, grade, stability, site distance and surface conditions that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare and, when with due regard to the advice of the county or state, the roads are inadequate for the intended use.

(b) The traffic volume generated by the proposed subdivision as calculated by the City Engineer and subject to generally accepted generation computation formulae and design standards would create unreasonable highway congestion at the time of the application or proposed for completion within the next 2 years.

(4) *Lack of adequate waste disposal systems.*

(a) A proposed subdivision shall be deemed to lack adequate waste disposal systems if there is inadequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density after reasonable sewer capacity is reserved for schools, planned public facilities and commercial and industrial development projected for the next 5 years.

(b) Expected wastewater generation rates applicable to a proposed subdivision shall be based on generally accepted generation computation formulae as assigned by the City Engineer.

(5) *Lack of adequate city support facilities.* A proposed subdivision shall be deemed to lack adequate support facilities, such as parks and recreational facilities and police, fire and ambulance protection and services when the support facilities are reasonably expected to be necessitated by the subdivision and can not be reasonably provided for within the next 5 fiscal years.

(6) *Inconsistency with the comprehensive plan.* A proposed subdivision shall be deemed premature if it is found to be inconsistent with the purposes, objective and recommendations of the duly adopted Comprehensive Plan of the City of Sauk Centre, as may be amended from time to time.

(7) *Inconsistency with environmental protection policies.* A proposed subdivision shall be deemed premature if it is found to be inconsistent with environmental protection policies set forth within the city, state and federal rules and regulations, as may be amended.

(B) *Burden of establishing.* The burden shall be upon the applicant to show that the proposed subdivision is not premature.

(Ord. 616, passed 11-21-2001)

§ 155.09 VARIANCES; AMENDMENTS.

(A) *Variances.*

(1) When necessary, the Council upon recommendation by the Planning Commission may authorize variances to the requirements of this chapter (not procedural provisions). These variances shall be requested by the developer in writing at the time of the application for preliminary plat approval, and the applicant shall state the grounds for the variances.

(2) A variance may be granted following a public hearing in the manner prescribed by law only if the Planning Commission and the Council find that all of the following factors pertain thereto:

(a) That there are special circumstances or conditions affecting the property that are not common to all other properties in the area;

(b) That the variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by other properties of the same vicinity, and that extraordinary hardship would result from strict compliance with these regulations because of special circumstances or conditions affecting the property;

(c) That the granting of a variance will not be detrimental to the public health, safety or public welfare or injurious to other property in the vicinity of the property involved. In granting a variance, both the Planning Commission and the Council shall make a written record of the findings of fact in connection therewith;

(d) That the special conditions and circumstances causing the undue hardship do not result from the actions of the applicant;

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(e) The variances will not in any manner vary the provisions of the Zoning Ordinance or the official zoning map; and

(f) In the granting of variances from this chapter, the City Council and Planning Commission shall require the conditions as will, in their judgment, secure substantially the objectives of the standards or requirements so varied.

(B) *Amendments.*

(1) For the purpose of providing the public health, safety and general welfare, the Planning Commission may recommend and the City Council may approve amendments to the provisions of this chapter.

(2) Public hearings on all proposed amendments shall be held by the Planning Commission in the manner prescribed by law.

(3) Upon recommendation from the Planning Commission; the City Council shall take final action on all proposed amendments.

(Ord. 616, passed 11-21-2001)

§ 155.10 COMPLIANCE; ENFORCEMENT.

(A) *Compliance.*

(1) *Conditions for recording.* No plat of any subdivision shall be entitled to record in the County Recorder's office or have any validity until the plat thereof has been prepared, approved and acknowledged in the manner prescribed by this chapter.

(2) *Building permits.*

(a) No building permits will be issued by the city for the construction of any building, structure or improvement to the land or to any lot in a subdivision, as defined herein, until all requirements of this chapter have been fully complied with.

(b) No public improvements are to be installed and/or service shall not be provided until approval of the final plat is granted and the same has been duly recorded.

(3) *Responsible official.* It shall be the duty of the City Council and its designate to see that the provisions of this chapter are properly enforced.

(4) *Fees.* Fees for subdividing may be established by the City Council.

(B) *Violations and penalty.*

(1) *Sale of lots from unrecorded plats.* It is unlawful for any person to sell, trade or otherwise convey or offer to sell, trade or otherwise convey any lot or parcel of land as a part of, or in conformity with, any plan, plat or re-plat of any subdivision or area located within the jurisdiction of this chapter unless the plan, plat or re-plat shall have first been recorded in the Office of the Stearns County Recorder or waived as provided for in § 155.08 above.

(2) *Receiving or recording unapproved plats.* It is unlawful for any person to receive or record in any public office any plans, plats or re-plats of land laid out in building lots and street rights-of-way, alleys or other portions of the same intended to be dedicated to public or private use, or for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the city, unless the same shall bear thereon, by endorsement or otherwise, the review of the Planning Commission and the approval of the City Council or waived as provided for in § 155.08 above.

(3) *Misrepresentation as to construction, supervision or inspection of improvements.* It is unlawful for any person, owning an addition or subdivision of land within the city, to represent that any improvements upon any of the street rights-of-way, alley or avenues of the addition or subdivision, or any utility in the addition or subdivision have been constructed according to the plans and specifications approved by the City Council, or have been supervised or inspected by the city, when those improvements have not been so constructed, supervised or inspected.

(4) *Violation a misdemeanor.* Every person who violates a section, division, clause or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful, or fails to act when the failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof. (Ord. 616, passed 11-21-2001) Penalty, see § 10.99